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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,689	08/11/2003	Yi-Chen Chang	10870-US-PA	1688

31561 7590 02/22/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

BODDIE, WILLIAM

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,689

Applicant(s)

CHANG ET AL.

Examiner

William Boddie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Applicant's Amendment dated January 25th, 2006.

Response to Arguments

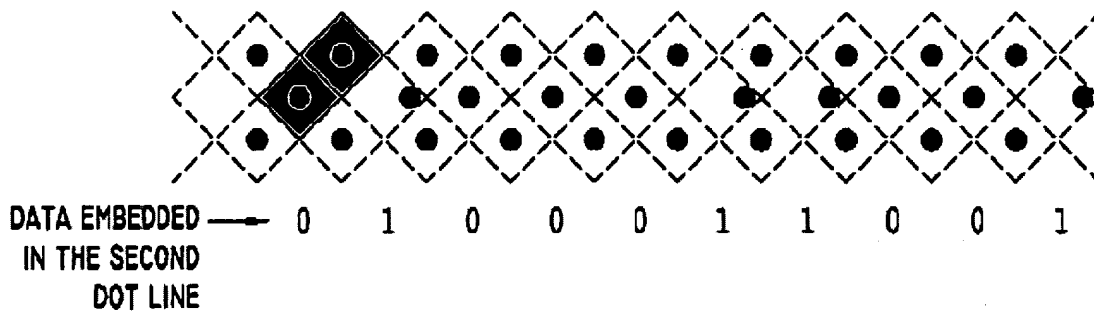
2. Applicant's arguments filed January 25th, 2006 have been fully considered but they are not persuasive.
3. The Applicant argues that the Examiner failed to point out which items of Sayuda (US 6,069,636) correspond to the structures discussed in claim 1 (page 3 of Remarks).

The Examiner respectfully disagrees. As stated in the First Office Action the Applicant's sub-pixel is equivalent to the first and third line of dots in figure 9 of Sayuda. The shadow pixel is equivalent to the data embedded pixel in the second dot line of figure 9. With regards as to which items indicate the pixel structure, it seems clear that as the pixel structure includes the sub-pixel and the shadow pixel, a pixel structure would be equivalent to the two combined together.

4. On Page 4 of the Amendment (1st para.), Applicants argue that Sayuda fails to teach, disclose or suggest the pixel structure recited in claim 1.

The Examiner respectfully disagrees. As shown in the First Office Action and above, Sayuda sufficiently discloses the structure recited in claim 1. To clarify and more efficiently illustrate this point note the highlighted figure 9 of Sayuda.

FIG. 9



The grayed portion shown above has been added to figure 9 to illustrate an example of a Sayuda pixel structure. In this example the top cell is equivalent to the Applicants' sub-pixel. The lower grayed cell is equivalent to the Applicants' shadow pixel. Clearly this pattern repeats throughout the matrix of cells, providing each "pixel structure" with a sub-pixel and a shadow pixel.

To further clarify the claim 1 rejection; Dougherty discloses a "hot spot" in figure 7, which is equivalent to a pixel structure. The R, G and B slices are equivalent to sub-pixels. Dougherty, as previously noted, does not teach a shadow pixel on a side of the sub-pixels.

Sayuda teaches sub-pixels and subsequent "shadow pixels" opposite each sub pixel as shown above. Therefore as stated in the previous Office Action it would have been obvious to replace the IR regions of Dougherty with the embedded data structures of Sayuda.

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5. In the second paragraph of page 4 of the Amendment, the Applicants argue that their pixel array employs the shadow pixel for determining emission location, while Sayuda actually teaches away from this use.

In response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., determination of emission location) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. In response to Applicants' assertion that dependent claims 2-17 are allowable as they contain the limitations of claim 1, this argument is moot. As shown above claim 1 was properly rejected and as such their rejection stands.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. (US 6,076,734) in view of Sayuda et al. (US 6,069,636).

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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9. Claims 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. (US 6,076,734) in view of Sayuda et al. (US 6,069,636) and further in view of Weibe (US 6,689,966).

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Will Boddie whose telephone number is (571) 272-0666. The examiner can normally be reached on Monday through Friday, 7:30 - 4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wlb
2/7/06

AMR A. AWAD
PRIMARY EXAMINER
